

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :  
 :  
 -v.- :  
 :  
 ROBERT LEE MILES :  
 :  
 Defendant. :  
----- X

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: Nov. 14, 2012

11 Cr. 581 (JFK)  
**MEMORANDUM**  
**OPINION & ORDER**

**John F. Keenan, United States District Judge:**

In an indictment dated July 8, 2011, Defendant Robert Lee Miles ("Miles") is charged: (1) as a felon in possession of a firearm, specifically a Trocaola Aranzabal Y Cia pistol, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e). In an opinion and order dated September 20, 2012, the Court denied Miles' motion to dismiss the indictment under the so-called "innocent possession" defense. The Court further denied Miles' motion to permit the jury to consider the defense of "innocent possession." See United States v. Miles, No. 11 Cr. 581, 2012 WL 4178274 (S.D.N.Y. Sept. 20, 2012) (finding that the "innocent possession" offense does not apply to the statute prohibiting felons from possessing firearms and denying various other defense motions). On November 13, 2012, Miles executed a written waiver of his right to a jury trial and entered into a stipulation of facts with the Government.

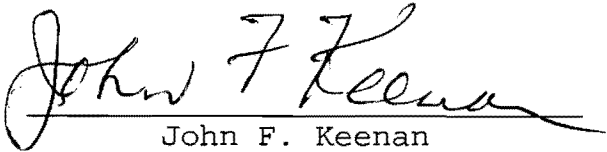
Pursuant to that stipulation, Miles admits that on January 19, 2011, he knowingly possessed a Trocaola Aranzabal Y Cia

pistol while in a subway car in the Southern District of New York. Miles also acknowledges that, at the time he possessed the firearm, he had previously been convicted of at least one felony.

Based upon these stipulated facts, the Court hereby finds Defendant Robert Lee Miles guilty as charged in Count One of the indictment.

**SO ORDERED.**

Dated: New York, New York  
November 13, 2012

  
John F. Keenan  
United States District Judge